

**In the United States Court of Federal Claims**

No. 10-617 C  
(Filed October 17, 2013)

\* \* \* \* \*

KENNETH EARMAN, \*

\*

*Plaintiff,* \*

\*

v. \*

\*

THE UNITED STATES, \*

\*

*Defendant.* \*

\* \* \* \* \*

**ORDER**

On October 17, 2013, defendant filed a Notice of Restoration of Funding and Unopposed Motion to Reset Date for Oral Argument. In its motion, filed pursuant to the court's order dated October 8, 2013, defendant states that appropriations to the Department of Justice have been restored and that counsel for the parties have conferred regarding mutually agreeable dates for oral argument on the parties' pending motions.<sup>1</sup> Defendant further states that the parties propose the following dates for oral argument: October 31, 2013; November 6, 2013; and November 22, 2013. The court is available to hold oral argument on October 31, 2013.

Accordingly, it is hereby **ORDERED** that:

- (1) The Clerk's Office is directed to **LIFT** the stay in this matter;
- (2) **Oral argument** will be **HELD** in the above-captioned case on **October 31, 2013 at 2:00 p.m. eastern time** at the United States Court of Federal Claims, 717 Madison Place, N.W., Washington, D.C. The location of the courtroom will be

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<sup>1/</sup> In the referenced order, the court granted defendant's request for a stay of deadlines in light of the lapse in appropriations to the Department of Justice.

posted on the directory in the lobby;

- (3) Defendant, as the first moving party, shall present the opening argument unless counsel agree otherwise; and
- (4) Plaintiff and defendant shall be afforded no more than one and one-half hours each in which to present their respective arguments and rebuttals.

/s/Lynn J. Bush  
LYNN J. BUSH  
Judge